

Magistrate Judge Mary Alice Theiler

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AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

CHONG HWA LIM,

Defendant.

NO.

MJ 15-186

COMPLAINT for VIOLATION
Title 8, U.S.C. Section 1326(a)
(Illegal Reentry After Deportation)

(Felony)

BEFORE, Mary Alice Theiler, United States Magistrate Judge,
United States Courthouse, 700 Stewart Street, Seattle, Washington.

COUNT I

On April 14, 2015, at King County, within the Western District of Washington,
CHONG HWA LIM, an alien, a native and citizen of South Korea, who was previously
arrested and deported from the United States on November 3, 1995, at Metro Detroit
Airport, was found, after knowingly and voluntarily reentering the United States without
the express consent of the Secretary of the Department of Homeland Security.

All in violation of Title 8, United States Code, Section 1326(a).

The undersigned complainant being duly sworn states:

COMPLAINT/LIM 1

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 1. I, James Shannon, am a Special Agent in the United States Department of
2 Homeland Security (DHS), Immigration and Customs Enforcement (ICE), assigned to
3 Homeland Security Investigations (HSI) Seattle, Washington. I have been a Special
4 Agent of HSI for over 5 years. Prior to my becoming a Special Agent, I had been an
5 Officer of Customs and Border Protection (CBP) for approximately 7 years. I was
6 awarded a Bachelor's degree in Biology from the University of New Mexico. In
7 addition, I am a graduate of several Federal Law Enforcement Training Center programs,
8 including the Criminal Investigator Training program and the ICE Special Agent
9 Training Program. Part of my duties entails the location and apprehension of foreign
10 nationals in the United States who are or have been engaged in criminal activity.

11 2. The following information is based on my investigation, the investigation
12 of the Kent Police Department, the investigation of other Officers and Agents of HSI and
13 the Bureau of Customs and Border Protection, official records of United States
14 Citizenship and Immigration Services (hereinafter "CIS"), records of the United States
15 District Court for the Western District of Washington, the United States District Court for
16 the Western District of New York, and a fingerprint comparison from a Fingerprint
17 Identification Technician assigned to the King County Sheriff's office Automated
18 Fingerprint Identification System (AFIS) section, in Seattle, Washington.

19 3. Because this Affidavit is submitted for the limited purpose of establishing
20 probable cause, it does not set forth each and every fact that I or others have learned
21 during the course of this investigation. I have set forth only the facts that I believe are
22 relevant to the determination of probable cause to believe that CHONG HWA LIM has
23 committed violations of Title 8, United States Code, Section 1326(a).

24 4. My investigation has revealed that CIS maintains a substitute alien
25 registration administrative file, commonly referred to as a "S-file," 29 189 947, on
26 CHONG HWA LIM. The "S" stands for "substitute," as the original administrative file
27 (A-file) could not be located so a substitute file was created on August 20, 1999. S-file

28 COMPLAINT/LIM 2

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1 29 189 947 is the official Immigration file maintained by the CIS, and is a consolidated
2 repository of all known Immigration contacts with defendant CHONG WHA LIM. The
3 S-file contains documents showing that LIM is a native and citizen of South Korea.

4 5. LIM's S-file contains conviction documents from the records of the United
5 States District Court for the Western District of Washington and the United States
6 District Court for the Western District of New York. These records indicate that LIM
7 was convicted of the following offenses.

8 a. United States District Court for the Western District of Washington,
9 case number CR94-708C, for the offense of false statements, in
10 violation of 18 U.S.C. § 1001, for which LIM was sentenced on
11 March 16, 1995, to three (3) years' probation.

12 b. United States District Court for the Western District of New York,
13 case number 1:95CR00136-001, for the offense of alien smuggling,
14 in violation of 8 U.S.C. § 1324(a)(2)(B)(ii) and 18 U.S.C. § 2, for
15 which LIM sentenced on October 27, 1995, to four (4) months
16 imprisonment.

17 6. The S-File reflects one (1) prior Judicial Order of Deportation:

18 a. The S-File reflects that, on October 27, 1995, LIM was issued a
19 Judicial Order of Deportation by U.S. District Judge John T. Elfvin
20 of the United States District Court for the Western District of New
21 York. The Judicial Order of Deportation was issued ordering that
22 LIM be deported to South Korea as a result of the admissions he
23 made to the charges as set forth concerning his illegal presence in
24 the United States and his conviction under 8 U.S.C.

25 § 1324(a)(2)(B)(ii) and 18 U.S.C. § 2, alien smuggling. LIM was
26 deported to South Korea on November 3, 1995, at Metro Detroit
27 Airport.

1 7. Within the S-File, there is one (1) U.S. Department of Justice, Immigration
2 and Naturalization Service (INS) Form I-205. The INS Form I-205 bears the fingerprint
3 of the defendant as physical proof of his deportation from the United States to South
4 Korea. This document reflects that the defendant was deported to South Korea on
5 November 3, 1995, at the Metro Detroit Airport.

6 8. On April 14, 2015, at about 5:31p.m., LIM was arrested by Federal Way
7 Police outside of his apartment at 2211 South Star Lake Road, Apartment 21-103,
8 Federal Way, Washington 98003, following a Kent Police Department bank fraud
9 investigation and subsequent search warrant of LIM's apartment. LIM had been renting
10 the apartment under the alias of Jay Min GO. At the time of his arrest, LIM was carrying
11 several identification documents, each having different biographical information, and his
12 picture. Upon arrest by Federal Way Police, fingerprints were taken of LIM and he was
13 found to be a match to FBI # 557175WA7. This FBI number confirms LIMS's true
14 identity and relates to his convictions for alien smuggling and false statements, and is a
15 match to fingerprints found in S-file, 29 189 947. The search warrant of LIM's
16 apartment found a complete counterfeit document mill, a pistol and a shotgun, counterfeit
17 documents, document making material, and other documents relevant to financial and
18 bank fraud. LIM is currently being held at the Kent Regional Justice Center pending
19 charges under RCW 9A.60.020, Forgery; RCW 9A.56.030, Theft in the First Degree;
20 RCW 9.35.020, Identity Theft; and RCW 9.41.040.1A, Unlawful Possession of a
21 Firearm.

22 9. On April 23, 2015, I requested a fingerprint comparison from Rachel
23 Hughes, a certified ten-print examiner with the King County Sheriff's office AFIS
24 section. I submitted the following exemplars of the defendant's fingerprints for
25 comparison:

- 26 a. A set of LIMS's booking fingerprints taken by the King County
27 Sheriff's Office on 4/14/15 following his arrest.

28 COMPLAINT/LIM 4

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- 1 b. The fingerprint that appears on the INS Form I-205, Warrant of
2 Deportation, taken on November 3, 1995, at the Metro Detroit
3 Airport. This fingerprint and his signature confirm LIM was
4 deported to South Korea.
- 5 c. A set of fingerprints taken on September 9, 1994, at US INS, Seattle,
6 Washington. This set of fingerprints is contained in LIM's S-file, 29
7 189 947.
- 8 d. The fingerprint that appears on the INS form I-221, Order to Show
9 Cause and Notice of Hearing, contained in LIM's S-file, 29 189 947.

10 10. On April 27, 2015, I received a written report from Rachel Hughes of the
11 King County Sheriff's Office AFIS section, in which she found that all prints submitted
12 for comparison were made by one and the same individual, the defendant. The positive
13 confirmation from the AFIS confirms that the fingerprints I submitted of the defendant
14 were an exact match with fingerprints related to FBI number 557175WA7. This is the
15 same FBI number associated with LIM's conviction for violating 18 U.S.C. § 1001 (false
16 statements) and 8 U.S.C. § 1324(a)(2)(B)(ii) and 18 U.S.C. § 2 (alien smuggling). LIM
17 has been detained at the Regional Justice Center in Kent, Washington, since April 14,
18 2015.

19 11. I have conducted a complete and thorough review of LIM's Immigration S-
20 File, 29 189 947, which contains no evidence that he has ever applied for or received
21 permission to reenter the United States after deportation.

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28 COMPLAINT/LIM 5

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1 12. Based on the foregoing, I have probable cause to believe that CHONG
2 HWA LIM has reentered the United States knowingly and voluntarily without the express
3 consent of the Secretary of the Department of Homeland Security, in violation of Title 8,
4 United States Code, Section 1326(a).

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6 
7 James Shannon, Complainant
8 HSI Special Agent

9 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
10 presence on April 29, 2015, the Court hereby finds that there is probable cause to believe
11 the defendant committed the offense set forth in the Complaint.

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13 
14 MARY ALICE THEILER
15 United States Magistrate Judge
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